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A Professional Corporation
Post Office Box 2926
Kings Beach, CA 96143-2926

EXAMINER
NGUYEN, PHUNG HOANG JOSEPH

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 April 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *7/28/2004*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Title Objection

1.   The current title is too non-descriptive. Applicant is reminded, though very brief, of the proper description of the title.

Abstract Objection

2.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required according to the MPEP 608.01 (b).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 2, 5, 11, 14, 21 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The mentioned claims recites "electronically conditioning" without definition of what the "electronically conditioning" means. The Specification does indicate "electronically conditioning". It lacks clear definition of the claimed terminology. For the purpose of continued examination, examiner interprets it provisioning, forming, pre-setting, setting-up or massaging the signal into an acceptable format.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ

619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA

1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or

1.321(d) may be used to overcome an actual or provisional rejection based on a

nonstatutory double patenting ground provided the conflicting application or

patent either is shown to be commonly owned with this application, or claims an

invention made as a result of activities undertaken within the scope of a joint

research agreement.

Effective January 1, 1994, a registered attorney or agent of record may

sign a terminal disclaimer. A terminal disclaimer signed by the assignee must

fully comply with 37 CFR 3.73(b).

1.   Claims 1-27 (of present application serial # 10/827,005) are rejected on

the ground of nonstatutory obviousness-type double patenting as being

unpatentable over claims 1-22 (of US Pat# 6,122,239 – Same inventor).

Although the conflicting claims are not identical, they are not patentably distinct

from each other because claims 1-27 of the present invention are similar in

scope to claims 1-22 of US Pat# 6,122,239 with obvious wording variations. For

example:

Claims 1, 2, 10, 15, 19 and 23 of the present invention application (Serial # 10/827,005)	Claims 1, of US Pat# 6,122,239
1. A digital logger system adapted for receiving and recording audio telecommunication signals, the digital logger system comprising:	1. A pre-mastering, optical recorder comprising:

a multichannel interface circuit adapted for concurrently and continuously receiving audio telecommunication signals for at least two telephone calls, and for continuously transmitting digital audio data extracted from the received audio telecommunication signals;	an input-signal conditioning-circuit for electronically conditioning an analog signal received by an input-channel of the pre-mastering, optical recorder thereby producing a conditioned analog signal adapted for conversion into digital data;
Claim 2 claims CODEC receiving condition audio telecommunication signal	a coder and decoder ("CODEC") that is coupled to said input-signal conditioning-circuit for receiving the conditioned analog signal from said input-signal conditioning-circuit and for converting the conditioned analog signal into digital data; a random access memory ("RAM") that is coupled to said CODEC for receiving and temporarily storing digital data produced by said CODEC; a buffer for receiving from said RAM and semi-permanently storing digital data;
a Universal Serial Bus ("USB") hub for receiving the digital audio data continuously transmitted from the multichannel interface circuit, and for transmitting the digital audio data to a USB root hub;	an optical-disk recorder that is coupled to said RAM and that is adapted for recording pre-mastered digital data onto optical recording media; and
and a personal computer ("PC") having a USB root hub that is coupled to the USB hub, and which: receives the digital audio data transmitted from the USB hub; and executes PC software that continuously monitors the received digital audio data for: decoding line status and signaling information embedded in digital audio data to determine status of a telephone line including a telephone line "going off	a central processing unit ("CPU") that is coupled to said CODEC, said RAM, said buffer, and said optical-disk recorder, said CPU executing a digital computer program that: supervises operation of the pre-mastering, optical recorder for transferring from said CODEC to said RAM digital data produced by said CODEC responsive to the presence of the analog signal on the input-channel

hook;" and upon detecting a telephone line "going off hook," recording both: an audio header that stores information about a telephone call; and an audio file that stores compressed digital audio data for the telephone call.	of the pre-mastering, optical recorder, and for subsequently transferring the digital data from said RAM to said buffer for semi-permanently recording the digital data therein; periodically retrieves from said buffer digital data that has been semi-permanently recorded therein, processes the retrieved digital data to prepare pre-mastered digital data in a format that permits recording at least twenty (20) input-channel-hours of the analog signal received by said input-signal conditioning-circuit onto optical recording media; and transfers to said optical-disk recorder the pre-mastered digital data for recording the pre-mastered digital data onto optical recording media then present in said optical-disk recorder.
Claims 2, 5, 11, 14, 21 and 24 recites "electronically conditioning"	Claims 1, 9, 10, 11, 16, 20, 21 and 22 claim "conditioning"
All remaining depending claims are rejected for being depending on the rejected claims.	

From the above evidence, it is clear that the claim limitations of the

present invention are clearly covered by the limitations of the US Pat 6,122,239.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   *Claims 1, 2-3, -6-8, 10-12 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Daly et al. (US Pat 5,274,738):*

As to claims 1 and 10, Daly teaches a digital logger system (fig. 1) adapted for receiving and recording audio telecommunication signals, the digital logger system comprising:

a multichannel interface circuit adapted for concurrently and continuously receiving audio telecommunication signals **(i.e., the voice processing circuit boards are in communication with one or more audio circuit boards that digitize data received from outside devices, col. 1, lines 39-41)** for at least two telephone calls **(fig. 1 shows a plurality of telephones 22a-n indicating that it is capable of receiving and transmitting more than one call at a time)**, and for continuously transmitting digital audio data extracted from the received audio telecommunication signals **(i.e., Each audio card 18a, 18b . . . 18n has four ports 20 through which communication can be had with a plurality of devices such as direct connect and loop start telephones 22a, 22b . . . 22n, PBX's and the like through telephone lines 23, col. 1, line 67- col. 2, line 10)**;

a Universal Serial Bus ("USB") hub **(i.e., Bus Interface 30 coupling to bus 32 of fig. 1, col. 2, lines 31-33)** for receiving the digital audio data continuously transmitted from the multichannel interface circuit, and for transmitting the digital audio data to a USB root hub; and

a personal computer ("PC") **(i.e., host computer of fig. 1, col. 2, line 14)** having a USB root hub that is coupled to the USB hub **(i.e., Bus Interface 30 coupling to bus 32 of fig. 1, col. 2, line 31)** and which: receives the digital audio data transmitted from the USB hub (i.e., **The bus interface 30 provides communication between the processor 24 and the voice processing card 14 through a bus 32, col. 2, lines 31-33)** ; and executes PC software **(i.e., application software, Abstract)** that continuously monitors the received digital audio data for: decoding line status and signaling information **(i.e., Signal processors 36a-d performs… information decoding, col. 2, line 58- col. 3, line2)** embedded in digital audio data to determine status of a telephone line including a telephone line "going off hook;" and upon detecting a telephone line "going off hook," **(i.e., the audio processor 48 is told to go off hook, communication is established with the telephone user, col. 4, lines 18-19)** recording both: an audio header that stores information about a telephone call **(col. 4, lines 24-46); and**

an audio file that stores compressed digital audio data **(i.e., signal compression, col. 1, line 53; or speech compression, col. 4, line 25. Note that data is forwarded from voice processing, circuit board to the host computer, hence computer must have file to store, col. 1, lines 55-58)** for the telephone call.   **(Furthermore, Daly teaches "the host processor 24 acts as a manager for voice data going into the disk storage 26 and will control specific operations of the system 10 such as systems diagnostics, voice file management and memory location assignments, col. 4, lines 43-46).**

As to claims 2 and 11, Daly teaches the multichannel interface circuit

includes:

line interfaces , equal in number to the number of telephone lines from

which the multichannel interface circuit receives audio telecommunication

signals, for electronically conditioning the received audio telecommunication

signals **(i.e., fig. 1 shows interface 50 which interfaces through ports 20 with**

telephones 22a...22n); and

at least one COder and DECoder ("CODEC") **(i.e., Voice processing**

circuit board performs signal compression, col. 1, line 53; or signal

processor 36 processing speech compression and expansion, col. 4, lines

25-26) which receives conditioned audio telecommunication signals from the line

interfaces for converting **(i.e., col. 1, lines 47-50)** the received audio

telecommunication signals into digital audio data, and for transmitting the digital

audio data to the USB hub **(i.e. the signal processor 36a will receive the**

signal that a telephone 22 is requesting service from an audio process 48.

The signal will be sent to an application processor 38a, col. 4, lines 11-14).

As to claims 3 and 12, Daly teaches the CODEC is a stereo analog

CODEC (i.e., circuit board including an analogue unit, col. 1, line 45) which

simultaneously converts two separate received audio telecommunication signals

(i.e., fig. 1 shows that there are plurality of signal processors 36a-d (or

CODECs) which suggests that CODECs are capable of converting plurality

of signals) into two separate digital audio data, and transmits both of the digital

audio data to the USB hub **(i.e., Bus Interface 30 coupling to bus 32 of fig. 1, col. 2, line 31).**

As to claims 6-8, see claims 15-18.

As to claim 23, Daly teaches a method for receiving and recording audio telecommunication signals, the method comprising the steps of:

a. concurrently and continuously receiving audio telecommunication signals for at least two telephone calls (see claim 1, limitation 1)

b. converting the received audio telecommunication signal into linearly coded digital audio data (see claim 2, limitation 2 and claim 4).

c. continuously transmitting the linearly coded digital audio data extracted from the received audio telecommunication signals to a PC (see claim 1, limitation 1);

d. within the PC:

i. receiving the linearly coded digital audio data (fig. 1 shows the conversion from analog signal to digital signal and forward to the host computer, col. 1, lines 55-58);

ii. continuously monitoring the received digital audio data (see claim 1, limitation 3);

iii. decoding line status and signaling information embedded in the continuously monitor digital audio data to determine status of a telephone line including a telephone line "going off hook;" (see claim 1, limitation 3) and

iv. upon detecting a telephone line "going off hook," (see claim 1,

limitation 3) recording both: A) an audio header that stores

information about a telephone call; and B) an audio file that stores

compressed digital audio data for the telephone call (see claim 1

and limitation 3 and 4)

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

9.   **Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Daly et al. (US Pat 5,274,738):

As to claims 4 and 13, Daly teaches the CODEC **(i.e., Voice processing**

circuit board performs signal compression, col. 1, line 53; or signal

processor 36 processing speech compression and expansion, col. 4, lines

25-26) (See claim 2 also).

Daly does not EXPLICITLY teach the CODEC is a linear Pulse Code

Modulation ("PCM") CODEC.

It would have been, however, obvious to the ordinary skilled artisan at the

time of the invention was made to, at least, understand that linear Pulse Code

Modulation CODEC is just a variation of general CODEC (which is often used to

describe data encoding and decoding) and to incorporate teaching of the Linear

PCM CODEC (which in particular describes method of pulse code modulation which represents an audio waveform as a sequence of amplitude values recorded at a sequence of times) to support the variety of general CODEC method for the purpose of providing the choices in selecting the most cost-effective method of logging.

10.   *Claims 15-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al. (US Pat 5,274,738) in view of Bodo et al (US Pat 6,122,239), hereinafter Bodo'239.*

As to claims 15-18, (see claim 1 also), Daly teaches the Dual Tone Multi-Frequency (DTMF), col. 4, line 27, col. 5, line 27; col. 6, line 37).

Daly however does not teach a search engine which, upon decoding of appropriate signaling information for a telephone call, initiates a real-time reverse-lookup that accesses publicly accessible directories and business information. Bodo'239 teaches real-time **(col. 8, line 54; col. 9, line 23); and** caller ID location and telephone number identification **(col. 18, lines 6-7. Hence, publicly accessible and business information since caller ID and telephone number identification are the public information).**

Neither one of them teach search engine.

It would have been, however, obvious to the ordinary skilled artisan at the time of the invention was made to acknowledge (if not by inherence, then by obviousness) that both of them teach the use of computer. As appreciated by the ordinary skilled artisan, computer must have a search engine to do all the

look-up, accessing public information in the real-time environment for the

purpose of supporting the real-time customers and high sale and marketability.

As to claim 19, it is rejected for the same reason as stated in claims 1, 2

and 4; however, Daly does not explicitly teach converting the linearly coded

digital audio data into .mu.Law compressed digital audio data.

Bodo'239 teaches "**in converting the conditioned analog signals into**

digital data, each CODEC preferably applies .mu.Law compression to the

conditioned analog signal. The use of .mu.Law compression effectively

amplifies weak analog signals and attenuates strong analog signals thus

reducing the volume range present in the compressed digital data

generated by the CODEC from the conditioned analog signal" (col. 8, lines

25-33). As appreciated by the ordinary skilled artisan, .mu. Law is an algorithm

to reduce the dynamic range of an audio signal.

Therefore, it would have been obvious to the ordinary skilled artisan at the

time of the invention was made to incorporate teaching of Bodo'239 into the

teaching of Daly for the purpose of allowing **"the computer program, after the**

computer program's execution stores the .mu.Law compressed digital data

into the RAM, to then records the .mu.Law compressed digital data into a

buffer provided by a read-write direct access storage device", (col. 8, lines

59-62).

As to claim 20, please see claim 1, limitation 2 and claim 2.

As to claim 21, please see claims 2 and 4-5.

As to claim 22, please see claims 3 and 12.

As to claims 24-27, Daly teaches decoding Dual Tone Multi-Frequency
(DTMF), col. 4, line 27, col. 5, line 27; col. 6, line 37).

Daly does not EXPLICITLY teach electronically conditioning; initiating a
real-time reverse-lookup which accesses publicly accessible directories and
business information; decoding ANI (also known as CID) for a telephone call,
initiating a real-time reverse-lookup which accesses publicly accessible
directories and business information; and decoding ALI for a telephone call,
initiating a real-time reverse-lookup which accesses publicly accessible
directories and business information.

Bodo'239 teaches electronically conditioning **(col. 5, line 43; col. 8, line
14. Please also see double patenting rejection above)**; real-time **(col. 8, line
54; col. 9, line 23);** and caller ID location and telephone number identification
**(col. 18, lines 6-7. Hence, publicly accessible and business information
since caller ID and telephone number identification are the public
information).**

*10.   Claims 5 and 14 rejected under 35 U.S.C. 103(a) as being
unpatentable over Daly et al. (US Pat 5,274,738) in view of Cioffi et al. (US
Pat 6,473,438).*

As to claim 5 and 14, Daly teaches digital logger system the multichannel
interface circuit includes: a line interface for electronically conditioning audio
telecommunication signals received from a telephone line; a framer which
receives the conditioned audio telecommunication signals from the line interface,
interfaces the physical layer of telephone line signals received from the line

interface, and transmits digital audio data; and a peripheral controller which

exchanges digital audio data with the framer and with the USB hub.

Daly does not teach telephone line is a digital hybrid telephone line or

telephone line signals are the hybrid telephone line signals.

Cioffi teaches transmission of signals over hybrid phone lines (col. 3, line

13).

Therefore, it would have been obvious to the ordinary skilled artisan at the

time of the invention was made to incorporate the teachings of Cioffi into the

teaching of Daly for the purpose of introducing another telephone system in the

process of logging and processing the data in the most cost-effective way.

12.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Daly et al. (US Pat 5,274,738) in view of Luneau (US Pat 5526406).

Daly teaches the digital logger system wherein upon the PC software

detecting a telephone line "going off hook," the PC software transmits digital

audio data to the multichannel interface circuit which causes the multichannel

interface circuit to transmit.

Daly does not teach the multichannel interface circuit to transmit an

audible announcement to a caller via that telephone line.

Luneau teaches transmitting an audible announcement over the phone set

to the party when the phone is off hook (col. 5, lines 33-39).

Therefore, it would have been obvious to the ordinary skilled artisan at the

time of the invention was made to incorporate the teachings of Luneau into the

teaching of Daly for the purpose of ensuring that the calling and or called party would be promptly noticed of the call condition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Curtis Kuntz/   /Phung-Hoang J Nguyen/
Supervisory Patent Examiner, Art Unit 2614   Examiner, Art Unit 2614